IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE GHULAM MOHAMMED

WP NO.33515 OF 1998

DATED 5TH JULY, 2006

BETWEEN:

Sk. Masthan Saheb, S/o.Kader Saheb, ...
Petitioner

And
The Commissioner
Gudur Municipality, Gudur
Nellore District. ...
Respondent

Order: ***(Per Sri GM,J)***

The writ petitioner is filed seeking to issue a writ of mandamus declaring the action of the respondent and his subordinates in seeking to demolish the house and fencing and evicting the petitioner from 40 ankanams of site comprised in Sy. No.1747 bearing door no.429/B1 and 429/B2 of West Gudur village.

This Court by order dated 02-12-1998 in WPMP No.41195 of 1998 granted interim direction and it is in force. In the counter filed by the respondent it is stated that the site in question belongs to Municipal Council which was purchased with the loan amount sanctioned in GO Ms.No.55, Housing dated 19-3-1963 by the Government, for the purpose of construction of houses under LIGH scheme. Whereas the case of the petitioner is that he and his mother have been in possession of the site in question for the last 20 years by raising thatched houses and the Mandal Revenue Officer, Gudur, granted possession certificates certifying that he and his mother are in possession of the site in question. It is also stated that application of the petitioner for assignment of the site in question is pending.

Inasmuch as there are disputed questions of fact are involved which being a civil dispute, the writ petition is disposed in

terms of the interim order 02-12-1998 granted by this Court. The petitioner shall not be dispossession of the site in question, except in accordance with law. No costs.

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Ghulam Mohammed, J
Dated 5th July, 2006
Nrg.